

# **APPENDIX "B"**

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

06/30/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CIVIL NO. 04-00743DAE-LEK  
CASE NAME: Taryn Christian vs. Richard Bissen, et al.  
ATTYS FOR PLA:  
ATTYS FOR DEFT:  
INTERPRETER:

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JUDGE: Leslie E. Kobayashi REPORTER:

DATE: 06/30/2006 TIME:

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### COURT ACTION: EP: MINUTES:

Discovery conference held. Mark Barrett, Esq., on behalf of Petitioner Taryn Christian ("Petitioner"), and Peter Hanano, Esq., on behalf of Respondents Richard Bissen, Acting Director, and the State of Hawai'i Department of Public Safety (collectively "Respondents") participated by phone.

The parties represented that they have come to an agreement regarding some aspects of the discovery plan. The Court heard arguments regarding the aspects of plan that the parties could not agree upon. The Court hereby instructs the parties as follows:

- 1) Petitioner shall produce the credentials of any experts who will conduct tests on the materials produced in discovery.
- 2) Respondents shall produce discovery materials in the possession of the County of Maui. Petitioner may serve subpoenas to obtain materials that may be in the possession of the FBI or the Honolulu Police Department.
- 3) After this Court's Order Granting Motion for Leave to Conduct Discovery ("Order") becomes final, the parties shall set a date certain to submit the physical evidence for DNA testing and to make the original tape recordings available to Petitioner. The date must be within seven days after the Order becomes final. The Order will become final if this Court denies Respondents' motion to reconsider the Order and either:  
1) the eleven-day period to appeal the Order to the district court expires and no party files

an appeal; or 2) a party appeals and the district court affirms the Order.

4) Petitioner's examination of the physical evidence shall be limited to three people: counsel, a photographer, and an expert in crime scene reconstruction.

5) Petitioner shall allow Respondents access to photographs, test results, expert reports, or other discovery generated as a result of the discovery permitted by the Court.

6) Petitioner may serve subpoenas to obtain evidence of confessions that James Burkhart allegedly made after Petitioner's trial.

7) Petitioner may not commence discovery until the Order becomes final.

Cc: all counsel

Submitted by: Warren N. Nakamura, Courtroom Manager